

### **REMARKS**

This amendment responds to the Office action dated October 22, 2007.

Claims 1-5 are pending in the application.

Claims 1 and 3-5 are independent claims. Claim 2 depends from claim 1 and therefore comprises all the limitations therein.

Claims 1 and 4 have been amended.

The examiner has rejected claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by Burns et al., U.S. Patent No. 5,995,518, hereinafter "Burns."

Burns teaches separating information into two components in order to transmit the information over two communication channels [at least, column 1, line 63 – column 2, line 30]. The separation of data in Burns is reliant on the different communication characteristics of the two communication channels [at least, column 5, lines 17-38].

Independent claim 1 has been amended and comprises the element of "transmitting said two, downstream-deliverable video data streams using a first communication channel, wherein said transmitting comprises multiplexing said two, downstream-deliverable video data streams." Burns does not teach or suggest this element. As stated above, the methods and systems of Burns use two communication channels for transmitting information that has been separated into two components based on channel characteristics. Independent claim 1, as amended, is therefore allowable. Claim 2, which depends from claim 1 and therefore comprises all the limitations therein,

is currently allowable based on amended claim 1. The applicant respectfully requests this rejection of claims 1 and 2 be withdrawn.

Independent claim 4 has been amended and comprises the element of “transmitting structure for transmitting said two, downstream-deliverable video data streams over a first communication channel.” As argued in relation to independent claim 1, Burns does not teach or suggest this element. Independent claim 4, as amended, is therefore allowable, and the applicant respectfully requests this rejection of claim 4 be withdrawn.

The examiner has rejected claims 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Burns et al., U.S. Patent No. 5,995,518, hereinafter “Burns,” in view of Hu et al., U.S. Patent Application Publication No. 2006/0156374, hereinafter “Hu,” and further in view of Lin et al., U.S. Patent Application Publication No. 2002/0095681, hereinafter “Lin.”

Burns, as discussed above, teaches separating information into two components in order to transmit the information over two communication channels [at least, column 1, line 63 – column 2, line 30]. Hu teaches a method for automatically synchronizing playback between a first media service and a second media service both services corresponding to the same media content source [at least, ABSTRACT]. Hu teaches synchronization based on a matching step which uses metadata tags embedded in the data streams [at least, paragraph [0043]]. Lin teaches an apparatus and method of transmitting and switching multimedia data over an Ethernet network [at least, ABSTRACT].

The examiner states that the metadata tags of Hu are analogous to the designated marker frames of the currently claimed embodiments of the applicant's invention. The applicant respectfully disagrees. The metadata tags of Hu are used to synchronize two data streams. Thus there is, at least, a one-to-one correspondence between a pair of metadata tags, one in each data stream, allowing the synchronization. The metadata tags of Hu must exist in corresponding pairs for synchronization utility. The marker frames of the currently claimed embodiments of the applicant's invention, do not necessarily have one-to-one correspondence between data streams. Therefore, the metadata tags of Hu may not be used to teach the applicant's marker frames. Additionally, synchronization requires delay of one data stream until a matching metadata tag is encountered which defeats the low latency access of the one data stream. There is no disclosure of marker frames in any combination of the cited references. Furthermore, there is no teaching in the cited references wherein the spacing of marker frames is related to access latency.

The applicant therefore requests this rejection of claims 3 and 5 be withdrawn in that the examiner has failed to present a *prima facie* case of obviousness.

In light of the arguments above, all claims are considered to be novel, non-obvious and patentable in view of the cited art. The applicant respectfully requests that the examiner reconsider the rejections of these claims. The examiner is invited to contact applicant's patent agent directly for any reason.

Appl. No. 10/726,306  
Amdt. Dated January 29, 2008  
Reply to Office Action of October 22, 2007

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,

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